

FACT SHEET —~~INTERNAL ONLY~~

Environmental Stewardship Initiatives for
PF225 Fence Construction along the Southwest Border
U.S. Border Patrol El Paso Sector
August 2010



U.S. Customs and
Border Protection

The following is a summary of the environmental stewardship initiatives undertaken by U.S. Customs and Border Protection (CBP) during the planning, construction, and post-construction stages associated with installing tactical infrastructure (TI) along the U.S./Mexico International Border in the U.S. Border Patrol (USBP) El Paso Sector for TI sections (b) (7)(E). TI is a term used by the USBP to describe the physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, vehicle and pedestrian fences, lights, gates, and boat ramps. TI constructed under CBP's Secure Border Initiative (SBI) Pedestrian Fence 225 (PF225) Program within the El Paso Sector consisted of pedestrian fence, gates, and patrol/maintenance roads along the U.S./Mexico International Border in El Paso and Hudspeth counties, Texas. Temporary construction staging areas and access roads were also required to build the TI. This Fact Sheet provides the environmental impacts anticipated during pre-construction planning and those actually encountered during and following construction. In addition, it describes stakeholder outreach efforts that were carried out during all phases of the project, contributing partners, and any continuing issues.

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised the waiver authority and waived certain environmental and other laws in order to ensure the expeditious construction of TI along the U.S./Mexico International Border. The TI described in this Fact Sheet is covered by the Secretary's April 1, 2008, waiver. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary has committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship. To that end, CBP prepared a pre-construction Environmental Stewardship Plan (ESP), which analyzed the potential environmental impacts associated with construction of TI. Following construction, CBP prepared an Environmental Stewardship Summary Report (ESSR), which compared the final completed action to the original planned for installation of TI.

The following is a summary of CBP's environmental stewardship efforts.

- CBP carried out environmental stewardship efforts before, during, and after construction.
- Environmental impacts that resulted from this project were both positive and negative.
- Best Management Practices (BMPs) were developed and carried out to minimize negative environmental impacts.
- Stakeholder public outreach was conducted during all phases of the project. Some of the stakeholder input resulted in changes to the project.
- CBP participated in interagency and intergovernmental coordination activities to help minimize potential environmental impacts and streamline environmental processes. Some of the input also resulted in changes to the project, such as the locations of construction access roads and the actual fence design.

After construction within these sections of the USBP El Paso Sector, the following were determined:

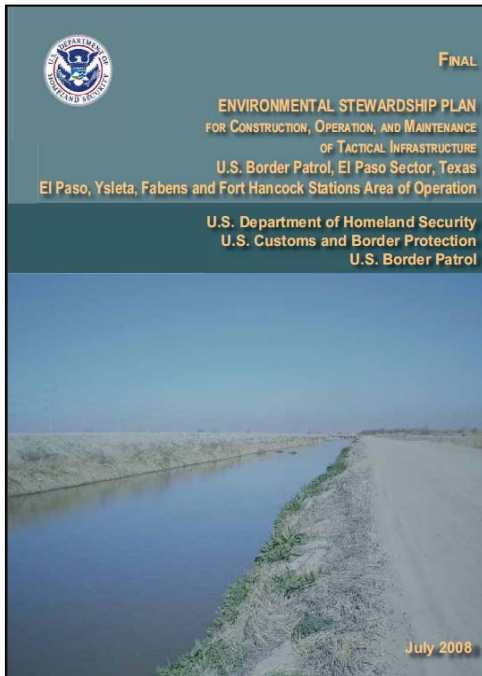
- No impacts on cultural resources occurred.
- No impacts on wetland areas occurred. The ESP identified two major arroyos within the project corridor, but neither was impacted because construction avoided both arroyos.
- There were no adverse impacts on federally listed species or critical habitats of federally listed species.

ENVIRONMENTAL STEWARDSHIP COMPONENTS

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CBP carried out environmental stewardship initiatives during all phases of the project, before, during, and after construction. Each component is discussed in the following paragraphs.



PRE-CONSTRUCTION

Environmental Stewardship Plan – In 2008, prior to construction, CBP developed an ESP for these PF225 sections in the USBP El Paso Sector.

- July 2008 – *Final Environmental Stewardship Plan for Construction, Operation, and Maintenance of Tactical Infrastructure U.S. Border Patrol, El Paso Sector, Texas; El Paso, Ysleta, Fabens and Fort Hancock Stations Area of Operation.*

The ESP discusses the unique biological, geographical, and environmental conditions associated with the areas proposed for TI and includes BMPs designed to reduce and offset potential environmental impacts. The ESP remains available to the public and is online at http://cbp.gov/xp/cgov/border_security/ti/ti_docs/.

Biological Resources Field Surveys – CBP carried out preconstruction surveys to identify existing vegetation and wildlife within the area of the proposed fence corridor, the patrol/maintenance roads, and construction staging areas and access roads. Special attention was paid to identifying federally listed species and critical habitats of federally listed species within the project area.

Examples of potential environmental impacts and the BMPs and mitigation measures used to minimize these impacts are listed in **Table 1**. Not all anticipated environmental impacts were adverse; in fact, some were positive. CBP predicted that the installation of TI would reduce the amount of smuggling and illegal immigration, which would have a beneficial effect on national security and socioeconomics. The reduction in illegal cross-border activity would reduce foot traffic in sensitive habitats and would benefit native species and their habitats.

Table 1. Potential Environmental Impacts and BMPs/Mitigation Measures Identified Prior to Construction

Potential Environmental Impact (Cultural, Species, Wetlands)	BMPs and Mitigation Measures to Reduce or Eliminate the Potential Environmental Impact
Discovery of cultural resources in work area	<ul style="list-style-type: none"> • Design TI in conjunction with Texas State Historic Preservation Office • Archaeological monitors will check deep excavations as necessary during construction for buried cultural resources
Discovery of federally protected species in work area	<ul style="list-style-type: none"> • Halt construction until an environmental monitor can safely remove the protected species or it moves away on its own
Wildlife impacts due to construction, fencing, and habitat fragmentation	<ul style="list-style-type: none"> • Survey the area for migratory bird nests immediately prior to construction • Integrate small openings at the base of the TI fences to allow small animals to pass through • Cap vertical bollards to prevent birds from falling inside • Check open holes each morning to ensure that wildlife did not fall in and become trapped
Introduction of invasive species	<ul style="list-style-type: none"> • Wash equipment prior to use to minimize introduction of nonnative species • Remove only the minimum amount of vegetation • Remove invasive species that appear
Change in size of wetlands and surface waters	<ul style="list-style-type: none"> • Use silt fencing and hay bale placement to prevent erosion and soil movement • Design fence to allow for conveyance of water

DURING CONSTRUCTION

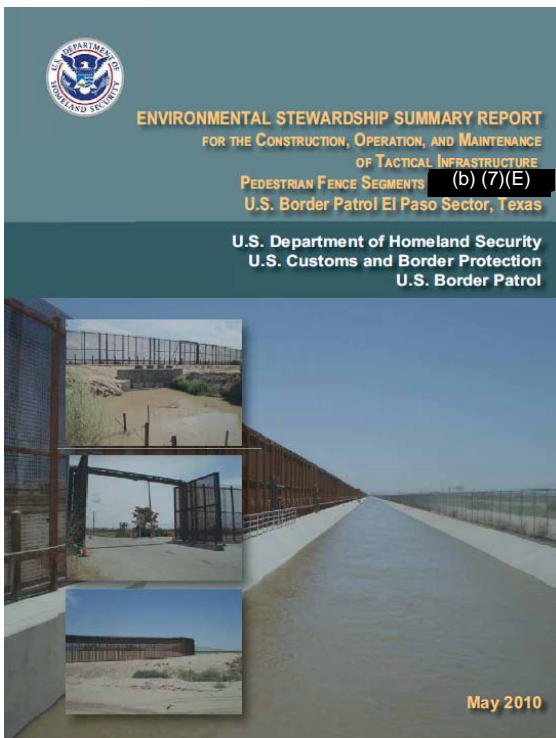
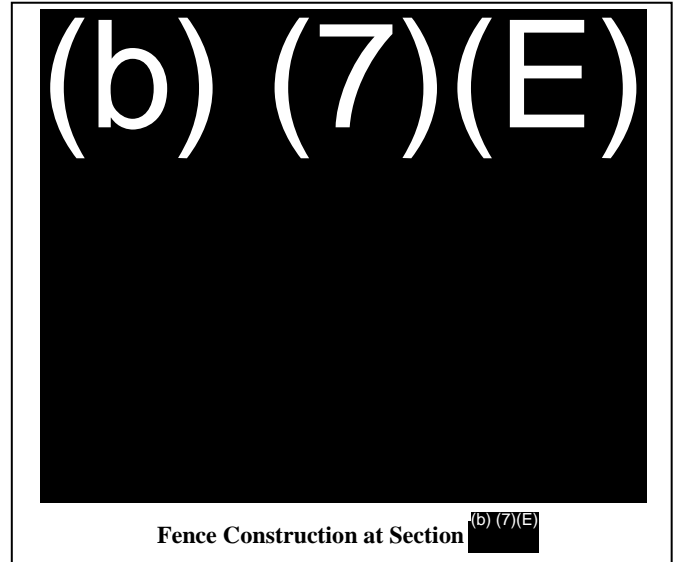
CBP contracted independent environmental monitors (i.e., for biological and cultural resources) to be present during all construction activities. Their responsibilities included documenting adherence to the BMPs prescribed in the ESPs, identifying environmental impacts that occurred beyond those predicted in the ESPs, and ensuring that federally listed species and cultural resources were not impacted by the TI construction activities. CBP's environmental monitors worked during all construction activities, which occurred from August 2008 to July 2009.

The environmental monitors reported that most BMPs prescribed in the ESPs were followed; see **Table 1** for examples of BMPs. However, some deviations did occasionally occur, including the following:

- Lack of flagging on some construction access roads
- Unnecessary off-road driving
- Unnecessary widening of some existing roadbeds
- Occasional lack of erosion-control measures or occasional failures of silt fences
- Occasional placement of debris in unauthorized locations
- Uncapped vertical bollards periodically left overnight
- Lack of overnight covers on excavation sites.

No significant impacts on environmental resources resulting from the BMP infractions were reported.

Unexpected field conditions during construction occasionally required practical changes to the plan for placement and design of the TI. In these situations, CBP conducted additional environmental surveys and analyses to determine the potential environmental impacts and the appropriate BMPs needed to support the changes. Most changes to the design and placement of the TI were minor and included slight refinements of fence type and footprint to meet operational requirements.



POST-CONSTRUCTION

Environmental Stewardship Summary Report – CBP conducted post-construction field surveys of biological and cultural resources and prepared an ESSR.

- May 2010 – *Environmental Stewardship Summary Report for the Construction, Operation, and Maintenance of Tactical Infrastructure Pedestrian Fence Segments* (b) (7)(E) Border Patrol El Paso Sector, Texas.

The ESSR provided the following information:

- Identification of the final locations of TI and acreages of areas impacted
- An environmental baseline for future TI maintenance and repair efforts
- Documentation of the overall adherence and successes of the BMPs during construction
- A record of the differences between the final locations and types of TI and those that were identified in the ESPs.

Table 2 summarizes the estimated pre-construction and actual post-construction permanent ground disturbance totals within these sections of the USBP El Paso Sector.

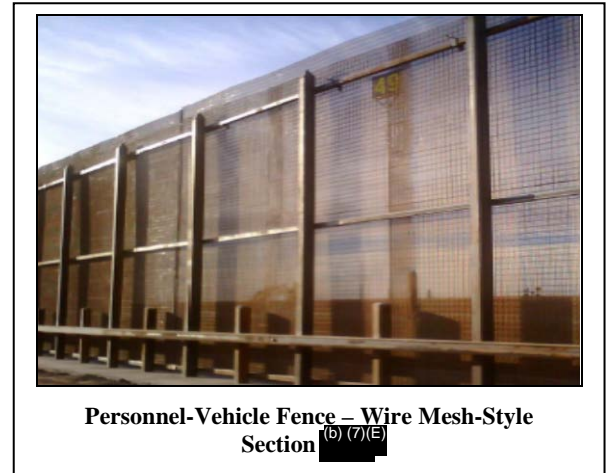
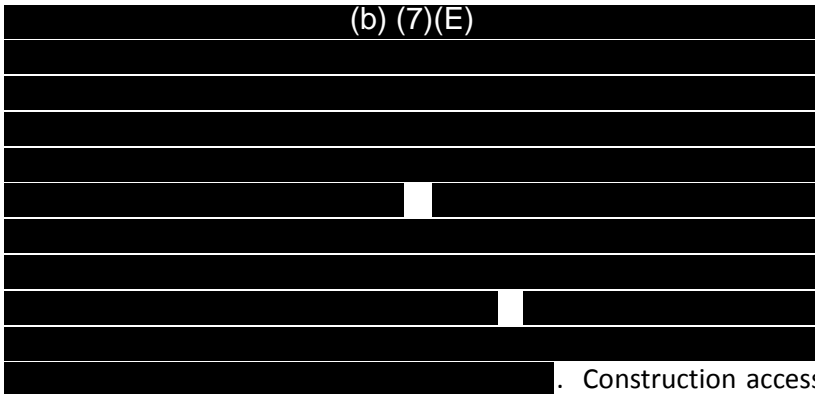
Table 2. Estimated Pre-Construction and Actual Post-Construction Permanent Ground Disturbance

Construction Activity	Estimated Disturbance in Acres (linear miles)	Actual Disturbance in Acres (linear miles)	Difference in Acres (linear miles)
Fence and Patrol/Maintenance Roads	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Construction Staging Areas	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Total Impacts	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)

Notes:

^a The ESP did not include an estimate of the acres of ground to be disturbed from the construction of the fence and patrol/maintenance roads. This value was calculated by assuming a uniform disturbance of (b) (7)(E) length of the proposed fence and patrol/maintenance road corridor.

^b Additional construction staging areas in the vega were proposed in the ESP, but because their need had not been determined at that date, acreages could not be estimated.



(b) (7)(E). Construction access roads used existing roadways and no net change in roadway footprint was recorded.

The ESP projected a total of (b) (7)(E) acres of staging areas north of the canals and levees. The ESP also proposed additional staging in the vega as needed by the contractor, but it indicated no specific total acreage. The post-construction survey indicated (b) (7)(E) acres of staging areas north of the canals and levees and (b) (7)(E) acres of vega staging areas, for a total of (b) (7)(E) acres, which is (b) (7)(E) greater than anticipated. Therefore, the increase in staging area acreage was primarily due to the use of staging areas within the vega, which was not accounted for in the ESP.

Additionally, CBP's post-construction field surveys concluded the following:

- No impacts on cultural resources occurred.
- No impacts on wetland areas occurred. The ESP identified two major arroyos within the project corridor, but neither was impacted because construction avoided both arroyos.
- There were no adverse impacts on federally listed species or critical habitats of federally listed species. **Table 3** illustrates that prior to construction no impacts on federally listed species or critical habitats of federally listed species were predicted.

Table 3. Estimated Pre-Construction and Post-Construction Impacts on Federally Listed Species

Method for Species Counts	Animals		Plants	
	Species	Critical Habitat	Species	Critical Habitat
Federally listed species and suitable habitat identified in the ESP	0	0	0	0
Federally listed species observed during pre-construction surveys ^a or construction monitoring ^b within the project corridor	0	0	0	0
Federally listed species and suitable habitat impacted by construction	0	0	0	0

Notes: ^a Based on the proposed project corridor ^b Based on surveys and monitoring of revised project areas

STAKEHOLDER OUTREACH ACTIVITIES

Throughout all phases of this project, CBP continuously reached out to stakeholder organizations and regulatory agencies to incorporate their input as potential environmental impacts were identified, evaluated, and mitigated; as necessary. Outreach efforts included the following:

- **Open House** – The general public was invited to receive information and provide comments at an open house event on February 28, 2008 in El Paso, Texas.
- **Incorporation of Comments** – CBP received and addressed dozens of solicited and unsolicited comments from the following:
 - Federal, state, and municipal government agencies
 - Stakeholder organizations
 - Elected officials
 - Non-government organizations
 - Private individuals
- **Government Agency Coordination** – CBP directly coordinated with government agencies including the following:
 - U.S. Section, International Boundary and Water Commission
 - El Paso County Water Improvement District No. 1
 - U.S. Army Corps of Engineers
 - Hudspeth County Conservation and Reclamation District No. 1
 - U.S. Fish and Wildlife Service

The information received from the outreach efforts resulted in numerous changes to the project, including the location of construction access roads, placement of construction staging areas, and design of fence components in order to minimize potential environmental impacts.

CONTRIBUTING PF225 PROGRAM PARTNERS

To accomplish the 2006 Congressional mandate for the DHS/CBP to construct approximately 700 miles of border fence along the U.S./Mexico International Border by the end of December 2008, the DHS enlisted the assistance and expertise of interagency departments and other governmental agencies to provide management and subject matter experts for environmental stewardship, construction, real estate acquisition, and contracting tasks. Contributing partners include the following:

- Office of Border Patrol
 - El Paso Sector
- U.S. Army Corps of Engineers
 - Fort Worth District
 - Albuquerque District

CONTINUING ISSUES

CBP's post-construction surveys identified two continuing issues:

1. (b) (7)(E)
[REDACTED]
[REDACTED].
2. (b) (7)(E)
[REDACTED]
[REDACTED].

(b) (7)(E)

CBP remains committed to environmental stewardship and will continue to monitor the TI sections for potential additional actions.